

Virtually no one can be described as opposing a change in the 1946 law, but many objections have been raised to Common Cause's proposed revisions.

The U.S. Chamber of Commerce, for example, opposes on constitutional and practical grounds any attempt to make lobbying laws apply to grassroots lobbying. It favors Rep. Olin E. Teague's bill (HR 1112), which is limited to direct lobbying. (*Chamber of Commerce lobby, Weekly Report* p. 2457)

Taking a slightly different approach, Ralph Nader's different organizations question the constitutionality of making grassroots lobbying a "trigger" mechanism for registration, but they believe such activities should be reported by those lobbyists who must register on the basis of other criteria.

The AFL-CIO is opposed to proposed requirements that lobbyists log the contacts they make with members and staff. It also opposes, as does Nader, efforts to require that financial reports be broken down by issues. The federation considers this an excessive burden for groups who lobby on a wide range of issues.

Detailed reporting requirements are criticized by smaller groups, such as environmental organizations, who worry that they do not have sufficient financial resources or staff to comply.

### Constitutional Problems

Committee staff members who have worked on various lobby regulation bills uniformly agree that they are extremely difficult to draft. The First Amendment's guarantees of free petition greatly limit the requirements Congress can impose on lobbyists. Committee staffs have had difficulty finding a formula that provides useful information but does not infringe on constitutional rights.

Despite the difficulties, Senate staffers generally are satisfied with the work done this year and are optimistic about the prospects for a measure being approved in 1976. Both Stafford and Kennedy were pleased by the Government Operations Committee's work.

The committee's redraft is expected to have sufficient backing to permit the committee to begin mark-up early next year.

On the House side, the jurisdictional issue between the ethics and the Judiciary committees is unresolved. Staff meetings have been held and the parliamentarian has been asked for advice. But no final decision has been made. Without an agreement, a lobby bill could be snagged in the Rules Committee.

Railsback told Congressional Quarterly he "had hoped a new law would be on the books by now." However, he still rates the chances for enactment of a lobby bill as "very good."

In addition to the main lobbying bills, two related measures also are pending:

- S 1289, introduced by Sen. Kennedy, would require executive branch employees to log the communications they receive. Kennedy's Judiciary Administrative Practices Subcommittee has held hearings on the measure and plans a redraft. There also have been discussions of the possibility of merging it with the Senate Government Operations Committee lobbying bill.

- HR 8021, introduced by Rep. Barber B. Conable Jr. (R-N.Y.), would clarify the tax laws as they apply to non-profit organizations that lobby. Many groups are concerned that if compelled to register under new lobbying bills, their tax status will be threatened. The Conable bill is to be a part of a second round of House Ways and Means Committee tax reform work.

—By Al Gordon

## OCTOBER REGISTRATIONS

### Agriculture

**NATIONAL INDEPENDENT DAIRIES ASSOCIATION**, Washington, D.C. Lobbyist—Herbert Liebenson, Washington, D.C. Filed 10/2/75. Legislative interest—"All legislation pertaining to independent dairies."

### Business and Professional

**THE AD HOC GROUP ON LIFE INSURANCE COMPANY TAXATION OF PENSION FUNDS**, Washington, D.C. Lobbyist—Theodore R. Groom, a partner with the law firm of Groom and Nordberg, Washington, D.C. Filed 10/30/75. Legislative interest—"Federal legislation affecting Title 26 of the United States Code."

**ALABAMA GAS CORPORATION**, Birmingham, Ala.; **ATLANTA GAS LIGHT COMPANY**, Atlanta, Ga.; **CITIZENS GAS & COKE UTILITY**, Indianapolis, Ind.; **CONNECTICUT NATURAL GAS CORPORATION**, Hartford, Conn.; **ELIZABETHTOWN PLAZA**, Elizabethtown, N.J.; **WASHINGTON GAS LIGHT COMPANY**, Washington, D.C. Lobbyist—Timmons and Company Inc., Washington, D.C. Filed 10/21/75. Legislative interest—"Interests involve legislative activity relating to the regulation of natural gas, such as S 692 and S 2310."

**ALLIED-GENERAL NUCLEAR SERVICES**, Barnwell, S.C. Lobbyist—Jerold Vinson Halvorsen, Bethesda, Md. Filed

10/9/75. Legislative interest—"Legislation related to development of the nuclear industry."

**AMERICAN APPAREL MANUFACTURER ASSOCIATION INC.**, Arlington, Va. Lobbyist—Fred B. Shippe, Arlington, Va. Filed 10/6/75. Legislative interest—"Opposed to HR 11, S 200, HR 76; surveillance of HR 7575, HR 7455, HR 68 and S 644."

**AMERICAN ASSOCIATION OF MARRIAGE AND FAMILY COUNSELORS**, Claremont, Calif. Lobbyist—Richard D. Siegal, member with the law firm of McNees, Wallace & Nurick, Washington, D.C. Filed 10/9/75. Legislative interest—"Defeat of legislation to limit or prohibit benefits under civilian health and medical program of the uniformed services for services of pastoral counselors, family and child counselors and marital counselors."

**AMERICAN BANKERS ASSOCIATION**, Washington, D.C. Lobbyist—Fred J. Mutz, Washington, D.C. Filed 10/6/75. Legislative interest—"Legislation affecting or of interest to the banking industry."

**AMERICAN EXPRESS COMPANY**, New York City. Lobbyist—Hugh H. Smith P.C., Washington, D.C. Filed 10/3/75. Legislative interest—"All legislative matters affecting the financial institutions of the country; the activities of foreign banks and of foreign bank holding companies; affecting the utilization of credit cards; and affecting many aspects of foreign commerce."

**AMERICAN GAS ASSOCIATION**, Arlington, Va. Lobbyists—William T. Murphy Jr., Arlington, Va., filed 10/10/75; Beverly Bernstein Brilliant, Arlington, Va., filed 10/28/75. Legislative interest—"The American Gas Assn. will be interested in reporting to its members the progress through Congress of such legislation as may relate to member companies' interest."

**AMERICAN MEDICAL ASSOCIATION**, Chicago, Ill. Lobbyists—James E. Drake and Morris A. Riley, Washington, D.C.



## Lobbies

# LOBBY REFORM: STILL NOT READY FOR MARK-UP

After four rounds of committee hearings and several months of staff work, Congress is a little closer to acting on a new lobby registration law. But none of the three committees working on the issue is ready to mark up a bill yet.

There had been some expectation that the Senate Government Operations Committee might mark up a bill this year. The panel got the earliest start with three days of hearings in May. The committee staff developed a new bill (S 2477) which was introduced Oct. 6 by Chairman Abraham Ribicoff (D Conn.). (*Background on hearings, Weekly Report, p. 1137; background on S 2477, Weekly Report, p. 2108*)

However, after three additional days of hearings Nov. 4-6, during which S 2477 drew little support, the committee appeared to be unsatisfied with the measure.

The staff now expects that another draft will be necessary before the committee can proceed to a markup session—perhaps next January.

On the House side, the Judiciary Subcommittee on Administrative Law and Governmental Relations, chaired by Rep. Walter Flowers (D Ala.), held five days of hearings in September on lobby reform. The subcommittee's staff is working on a preliminary draft of a lobby registration bill, but no sessions of the subcommittee have been scheduled for consideration of lobbying measures. (*Background, Weekly Report, p. 2065*)

The latest addition to the list of committees working on lobby registration this year is the House Committee on Standards of Official Conduct, which held three days of hearings Dec. 2-4. The panel, generally referred to as the "House Ethics Committee," has joint jurisdiction over lobby registration legislation in the House.

## Background

The ethics committee actually has been at work on changes in the registration law the longest. The committee began a study of lobbying activities in 1970 which culminated in the drafting of a bill the committee reported to the House Dec. 10, 1971 (HR 11453—H Rept. 92-741). (*Background, 1971 Almanac p. 823*)

The measure was not sent to the Rules Committee until shortly before the summer recess in 1972 and Congress never acted on the measure before adjournment. The bill has been introduced in subsequent Congresses, but has not advanced. (*Background, 1972 Almanac, p. 1079*)

While there is broad agreement that the 1946 Federal Regulation of Lobbying Act (Title III of the 1946 Legislative Reorganization Act—PL 79-601) does not work very well, there has been much disagreement about proposed remedies.

The hope of proponents of the measures pending this year was that the post-Watergate political climate would make Congress more receptive to such legislation this year. The lobby registration bill (S 815) introduced in the Senate by Sen. Robert T. Stafford (R Vt.) and Sen. Edward M. Kennedy (D Mass.) drew 20 cosponsors. The measure (HR 15) introduced in the House by Rep. Tom Railsback (R Ill.)

and Rep. Robert W. Kastenmeier (D Wis.) had nearly 150 cosponsors.

## Common Cause

But only one major lobby group—Common Cause—backed the two bills. Other interest groups, ranging from the AFL-CIO to the U.S. Chamber of Commerce, opposed the bills with varying degrees of intensity. The measures also drew the fire of most of the so-called "public interest" lobbies other than Common Cause.

Ralph Nader's Public Citizen and Congress Watch groups were strongly opposed to Common Cause's approach to lobby registration and were among the most vocal critics of S 815 and HR 15. Joining them were The American Civil Liberties Union and most environmental groups, including Friends of the Earth, the Sierra Club and the Environmental Policy Center. The environmentalists did look a little more favorably upon S 2068, introduced by Sen. Lee Metcalf (D Mont.).

The Common Cause-backed measures did have support from the National Governors Conference and the U.S. League of Cities-U.S. Conference of Mayors. But these groups, along with similar organizations representing state legislatures and county governments, were opposed to being required to register as lobbyists, as the bills proposed.

The U.S. League of Cities-U.S. Conference of Mayors pressed its claim with special force, having won a 1974 lawsuit blocking efforts by the Justice Department to force the group to register.

The House Ethics Committee hearings and the second round of Senate Government Operations Committee hearings established that most of these groups still were opposed to HR 15 and that they did not regard S 2477, the committee draft, as an adequate improvement over S 815.

## 'Grassroots' Lobbying

Proponents of the most stringent registration measures argue that the 1946 law provides little useful information about the scope of lobbying in Washington. As construed by the Supreme Court, the 1946 law applies only to direct lobbying contacts with members of Congress. Contacts with staff, so-called "grassroots" lobbying (organizing others to contact officials), and lobbying in the executive branch are not covered.

Many lobbyists who do register report only minimum financial data—expenditures such as cab fare directly incurred in making lobbying contacts, but not overhead expenses or salaries.

The 1946 law's enforcement mechanism also is considered deficient. Lobby reports are filed with the clerk of the House and the secretary of the Senate, but the clerk and the secretary do not have the power to refer violators to the Justice Department. Further, there is no provision for civil enforcement so that the Justice Department can only undertake criminal prosecutions and these have been few and far between.